

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-02140-RC**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF
ENERGY

Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 12/01/2011

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Paul J. Orfanedes**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: porfanedes@judicialwatch.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason B. Aldrich
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5168
Fax: (202) 646-5199
Email: jaldrich@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Andrew L. Nolan**
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Room 5382
Washington, DC 20530
(202) 305-8735
Email: andrew.l.nolan@usdoj.gov
TERMINATED: 01/23/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Room 7218
Washington, DC 20530
(202) 616-2035
Fax: (202) 616-8470
Email: jacek.pruski@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**
11cv2141

represented by **Andrew L. Nolan**
(See above for address)
TERMINATED: 01/23/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
THE TREASURY**
11cv2182

represented by **Andrew L. Nolan**
(See above for address)
TERMINATED: 01/23/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jacek Pruski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/01/2011	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF ENERGY (Filing fee \$ 350, receipt number 4616044168) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 12/04/2011)
12/01/2011		SUMMONS (3) Issued as to U.S. DEPARTMENT OF ENERGY, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 12/04/2011)
12/01/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by JUDICIAL WATCH, INC. (jf,) (Entered: 12/04/2011)
12/07/2011	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/6/2011. Answer due for ALL FEDERAL DEFENDANTS by 1/5/2012. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 12/07/2011)
12/07/2011	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/06/11. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 12/07/2011)
12/07/2011	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF ENERGY served on 12/6/2011 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 12/07/2011)
01/04/2012	<u>6</u>	NOTICE of Appearance by Andrew L. Nolan on behalf of U.S. DEPARTMENT OF ENERGY (Nolan, Andrew) (Entered: 01/04/2012)
01/04/2012	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF ENERGY.(Nolan, Andrew) (Entered: 01/04/2012)
01/05/2012	<u>8</u>	NOTICE OF RELATED CASE by U.S. DEPARTMENT OF ENERGY. Case related to Case No. 1:11-cv-02141-RWR; 1:11-cv-02182-JDB. (Nolan, Andrew) (Entered: 01/05/2012)
01/12/2012		MINUTE ORDER directing the parties to submit a proposed scheduling order by no later than January 31, 2012. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on January 12, 2012. (lcegs4) (Entered: 01/12/2012)

01/12/2012		Set/Reset Deadlines: Parties Scheduling Order due by 1/31/2012 (clv,) (Entered: 01/12/2012)
01/17/2012	<u>9</u>	Unopposed MOTION to Consolidate Cases by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 01/17/2012)
01/31/2012	<u>10</u>	STATUS REPORT by U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 01/31/2012)
02/01/2012		MINUTE ORDER granting <u>9</u> defendants' unopposed motion to consolidate cases. The Court hereby consolidates Judicial Watch, Inc. v. U.S. Dept. of Energy, Case No. 11-cv-2140 with Judicial Watch, Inc. v. Office of Management and Budget, Case No. 11-2141; and Judicial Watch, Inc. v. U.S. Dept. of the Treasury, Case No. 11-2182. The parties are directed to file all future documents in Case No. 11-cv-2141. It is FURTHER ORDERED that the Clerk's Office is directed to close Cases No. 11-cv-2141, and 11-cv-2182 and transfer whichever parties are not the same to 11-cv-2140. Signed by Judge Emmet G. Sullivan on February 1, 2012. (lcegs4) (Entered: 02/01/2012)
02/03/2012		MINUTE ORDER. Upon consideration of the parties' joint status reports and proposed schedules for further proceedings filed in Case Nos. 11-2140, 11-2141, and 11-2182, it is hereby ORDERED that Defendant Department of Energy shall file by no later than February 8, 2012 a motion in support of its position that the plaintiff failed to exhaust administrative remedies before filing the present case. It is further ORDERED that Defendants Office of Management and Budget ("OMB") and U.S. Department of the Treasury ("Treasury") shall make their first productions to plaintiff on March 21, 2012, and it is further ORDERED that plaintiff, OMB and Treasury shall submit a joint status report by no later than April 2, 2012 regarding the status of what records remain to be produced and setting forth a proposed schedule for further proceedings. SO ORDERED. Signed by Judge Emmet G. Sullivan on February 3, 2012. (lcegs4) (Entered: 02/03/2012)
02/03/2012		Set/Reset Deadlines: Department of Energy motion due by 2/8/12; U.S. Department of Treasury first productions to plaintiff due by 3/21/2012;OMB and Treasury Status Report due by 4/2/2012 (clv,) (Entered: 02/03/2012)
02/08/2012	<u>11</u>	MOTION for Judgment on the Pleadings by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 02/08/2012)
02/21/2012	<u>12</u>	Joint MOTION for Extension of Time to File <i>DEFENDANT DEPARTMENT OF ENERGYS MOTION FOR JUDGMENT ON THE PLEADINGS</i> by JUDICIAL WATCH, INC., U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Aldrich, Jason) (Entered: 02/21/2012)
03/02/2012	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Judgment on the Pleadings filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Aldrich, Jason) (Entered: 03/02/2012)
03/05/2012		MINUTE ORDER granting, nunc pro tunc, <u>12</u> parties' joint motion for extension of time for plaintiff to file its response to defendant's motion for judgment on the pleadings by no later than March 2, 2012, and defendant to file its reply by no later than March 16, 2012. SO ORDERED. Signed by Judge Emmet G. Sullivan on March 5, 2012. (lcegs4) (Entered: 03/05/2012)
03/05/2012		Set/Reset Deadlines: Response nunc pro tunc due by 3/2/2012; Reply due by 3/16/2012. (clv,) (Entered: 03/05/2012)
03/16/2012	<u>14</u>	REPLY to opposition to motion re <u>11</u> MOTION for Judgment on the Pleadings filed by U.S. DEPARTMENT OF ENERGY. (Nolan, Andrew) (Entered: 03/16/2012)
04/02/2012	<u>15</u>	STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 04/02/2012)

04/02/2012		MINUTE ORDER. Upon consideration of <u>15</u> the joint status reports and proposed schedules for further proceedings filed by plaintiff and two of the three defendants, namely, Defendants Office of Management and Budget ("OMB") and U.S. Department of the Treasury ("Treasury") it is hereby ORDERED that that OMB and Treasury shall make additional productions to plaintiff on April 26, 2012 and May 24, 2012, and it is further ORDERED that plaintiff, OMB and Treasury shall submit a joint status report by no later than June 7, 2012 regarding the status of what records remain to be produced and setting forth a proposed schedule for further proceedings. Signed by Judge Emmet G. Sullivan on April 2, 2012. (lcegs4) (Entered: 04/02/2012)
04/03/2012		Set/Reset Deadlines: Status Report due by 6/7/2012 (clv,) (Entered: 04/03/2012)
04/12/2012	<u>16</u>	Case randomly reassigned to Judge Rudolph Contreras. Judge Emmet G. Sullivan no longer assigned to the case. (gt,) (Entered: 04/12/2012)
06/07/2012	<u>17</u>	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Nolan, Andrew) Modified on 6/8/2012 (dr). (Entered: 06/07/2012)
06/11/2012		SCHEDULING ORDER: Upon consideration of <u>17</u> the joint status report filed by the plaintiff, defendant Office of Management and Budget ("OMB"), and defendant U.S. Department of the Treasury ("Treasury"), it is this 11th day of June, 2012, hereby ORDERED that the OMB and Treasury shall make additional productions to the plaintiff on 6/28/12, 7/26/12, and 8/30/12. It is FURTHER ORDERED that the plaintiff, the OMB, and the Treasury shall submit a joint status report by 9/11/12 regarding the status of those records that remain to be produced, and setting forth a proposed schedule for further proceedings. Signed by Judge Rudolph Contreras on 6/11/12. (TA) (Entered: 06/11/2012)
06/14/2012		Reset Deadlines: Status Report due by 9/11/2012. (tj) (Entered: 06/14/2012)
08/31/2012	<u>18</u>	MEMORANDUM OPINION resolving <u>11</u> the Department of Energy's motion for judgment on the pleadings. Signed by Judge Rudolph Contreras on 8/31/12. (TA) (Entered: 08/31/2012)
08/31/2012	<u>19</u>	ORDER denying without prejudice <u>11</u> the Department of Energy's motion for judgment on the pleadings. Signed by Judge Rudolph Contreras on 8/31/12. (TA) (Entered: 08/31/2012)
09/11/2012	<u>20</u>	STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 09/11/2012)
09/12/2012		MINUTE ORDER. Upon consideration of the parties' joint status report, it is hereby ORDERED that defendants Office of Management and Budget and U.S. Department of the Treasury shall make productions to the plaintiff on 10/5/12, 10/25/12, and 11/29/12. It is FURTHER ORDERED that the plaintiff and these defendants shall submit a joint status report by 12/6/12. SO ORDERED. Signed by Judge Rudolph Contreras on 9/12/12. (TA) (Entered: 09/12/2012)
12/06/2012	<u>21</u>	STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF ENERGY, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Nolan, Andrew) (Entered: 12/06/2012)
12/07/2012		MINUTE ORDER Upon consideration of the parties' joint status report, it is hereby ORDERED that the plaintiff and defendant U.S. Department of the Treasury shall file a joint status report in this matter by 3/7/13. It is FURTHER ORDERED that the plaintiff and defendants U.S. Department of Energy and Office of Management and Budget shall file a joint status report in this matter by 4/4/13. SO ORDERED. Signed by Judge Rudolph Contreras on 12/7/12. (TA) (Entered: 12/07/2012)
12/11/2012		Reset Deadlines: Joint status report due by 4/4/2013; Joint status report due by 3/7/2013 (tj) (Entered: 12/11/2012)

01/23/2013	<u>22</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jacek Pruski on behalf of All Defendants Substituting for attorney Andrew L. Nolan (Pruski, Jacek) (Entered: 01/23/2013)
03/07/2013	<u>23</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Pruski, Jacek) (Entered: 03/07/2013)
03/07/2013		MINUTE ORDER Upon consideration of the parties' joint status report, it is hereby ORDERED that the plaintiff and defendant U.S. Department of the Treasury shall file a joint status report in this matter by 6/19/13. SO ORDERED. Signed by Judge Rudolph Contreras on 3/7/13. (TA) (Entered: 03/07/2013)
03/08/2013		Reset Deadlines: Status Report due by 6/19/2013 (tj) (Entered: 03/08/2013)
04/04/2013	<u>24</u>	STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF ENERGY. (Pruski, Jacek) (Entered: 04/04/2013)
04/08/2013		MINUTE ORDER It is hereby ORDERED that a status hearing is set for 9/9/13 at 11 a.m. in Courtroom 14 before Judge Rudolph Contreras. SO ORDERED. Signed by Judge Rudolph Contreras on 4/8/13. (TA) (Entered: 04/08/2013)
04/19/2013		Reset Hearings: Status Conference set for 9/9/2013 @ 11:00 AM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 04/19/2013)
06/19/2013	<u>25</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Pruski, Jacek) (Entered: 06/19/2013)